

REMARKS

Election/Restriction:

Applicants acknowledge that Claims 34, 35, 39, and 40 have been withdrawn pursuant to 37 CFR 1.142(b).

In the Claims:

Claims 21, 22, 24, 27, 31, and 36-38 are pending in this application. New claims 41-44 have been added. Favorable reconsideration is requested.

The Examiner objected to claim 38 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have amended claim 38 to properly depend from claim 21. No new matter has been added by this amendment. Support for the amendment to claim 38 may be found throughout the specification. Applicants respectfully request favorable reconsideration in view of this amendment.

Applicants have added independent claim 41 and new dependent claims 42-44. No new matter has been added. Support for the newly added claims may be found throughout the specification and in the figures.

Claim rejections under 35 USC § 112

The Examiner rejected claims 21, 22, 24, 27, 31, and 36-38 under 35 USC 112, first paragraph, for failing to comply with the written description requirement. Specifically, the Examiner alleges that the “[n]ewly added limitation regarding the process step in independent claims 21 and 31 is described in the specification with respect to figure 92 which is non-elected, and is not described as a step for the elected figure 91.” Final Rejection, dated 5/22/06, paragraph 4. The Examiner is mistaken.

Figure 91 shows an endoluminal prosthesis or stent-graft that comprises, *inter alia*, “two zigzag stents 360 of the present invention.” Specification, ¶ 217, emphasis

added. Zigzag stents of the present invention are disclosed, not only in paragraph 217, but throughout the entire specification. Thus, according to the express language in paragraph 217, the embodiment shown in figure 91 includes stents, as they are described throughout the entire specification. In order to understand the embodiment shown in figure 91, the specification instructs one of ordinary skill in the art to read, not only the description in paragraph 217, but also the various descriptions of zigzag stents of the present invention that are found throughout the entire specification.

As Applicants pointed out in the Amendment dated February 22, 2006, support for the amendment is found throughout the specification, and in particular, in paragraphs 198-206. For example, in paragraph 198, the specification teaches that a stent of the present invention can be produced from a flat wire having barbs cut into the wire. Specification, ¶ 198. The specification teaches that stents of the present invention may include wires that are “bent into a suitable stent wire shape, preferably a zigzag shape.” Specification, ¶ 204. Further, prior to the bending step, the specification teaches that when forming a stent of the present invention, “it is preferable to orient the barbs 314 properly so that they will point in the desired direction in relation to the longitudinal axis of the final stent shape.” Specification, ¶ 205.

Thus, it is clear the written description of the invention provides support for previously presented claims 21 and 31. Accordingly, Applicants respectfully request that the rejection under 35 USC § 112 of independent claims 21 and 31, and of dependent claims 22, 24, 27, and 36-38 be withdrawn and that the claims be allowed to pass to issuance.

Claim rejections under 35 USC § 102(e)

The Examiner rejected claims 21, 22, 24, 27, 31, and 36-38 under 35 USC § 102(e) as being anticipated by Chuter (U.S. Patent No. 6,849,087). The Examiner stated that “Chuter discloses at Figures 7b and 16 an endoluminal prosthesis comprising a cannular body having a stent comprising integral barbs adjacent a proximal end of the prosthesis.”

Claims 21 and 31 were previously amended to require that the barbs of a stent are pointed in a predetermined direction by orienting the stent segment in a step prior to forming the stent segment into the final stent shape. This process may eliminate or reduce the strains that could be induced in the stent when the barbs are bent relative to the stent segment or final stent shape. In contrast, Chuter shows barbs that were pointed in their ultimate direction by bending (Chuter, Figure 7b).

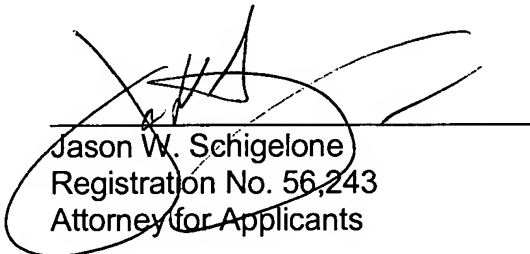
In order to anticipate under § 102, the asserted reference must teach or disclose each and every element of the claimed invention. MPEP § 2131. Chuter does not teach or disclose barbs of a stent that are pointed in a predetermined direction by orienting the stent segment in a step prior to forming the stent segment into the final stent shape. As such, Applicants respectfully traverse the Examiner's rejection based on Chuter.

Chuter does not anticipate the claimed invention, and therefore the rejection of Claims 21 and 31 under 35 USC § 102(e) is improper. Claims 22, 24, 27, and 38 depend directly or indirectly from claim 21 and Claims 36 and 37 depend directly or indirectly from claim 31. Accordingly, the rejection of these dependent claims is improper. Applicants respectfully request that the rejection of claims 21, 22, 24, 27, 31, and 36-38 be withdrawn and that the claims be allowed to pass to issuance. Early notification to such effect is earnestly solicited.

SUMMARY

Claims 21 and 31 are patentable, as are the claims that depend from them, including claims 22, 24, 27, and 36-38. Additionally, new claims 41-44 have been presented and are patentable. Applicants respectfully request that the Examiner grant allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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